

Appl. No. : **10/054,399**
Filed : **January 21, 2002**

SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

A set of proposed claim amendments was faxed to the Examiner for discussion.

Identification of Claims Discussed

Claims 11 and 14.

Identification of Prior Art Discussed

none

Proposed Amendments

Applicants proposed limitation of the claims to 75% homology with SEQ I.D. No: 1 or to SEQ I.D. No: 1 and homologs of SEQ I.D. No: 1 that comprise nucleotide residues 508 to 735 of the *C. albicans* Cdc24 gene presented as SEQ I.D. No: 23.

Results of Interview

Applicants' representative indicated to the Examiner that Applicant would like to expedite prosecution and reach allowable subject matter quickly. The Examiner indicated that it would be helpful to limit the claims to 95% homology and suggested some clarifying language. The Examiner indicated that such claims would be allowable pending the results of an updated search and also kindly agreed to consider additional dependent claims.

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REMARKS

Claims 1-13 and 15-65 have been cancelled. Claim 14 has been amended. New claims 66-70 are added. Claims 14 and 66-70 are now pending in this application. Applicants reserve the right to pursue the subject matter of the cancelled claims in a continuing or divisional application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Claim 14, as amended, and new claims 66-68 correspond to the proposed claims that were faxed to the Examiner for the telephonic interview of January 21, 2004, which in turn are based upon original claims 11-12 and 14-15. The claims have been further revised in light of the telephonic interview to recite "95% homology" and to incorporate clarifying language as suggested by the Examiner. As the Examiner also indicated that he would be willing to consider claims dependent upon the claims discussed during the telephonic interview, claims 69-70 are submitted. These claims have the same scope as claims 14 and 66-68 but are drawn to the sequences per se.

Rejection under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101

Claims 11-13 are rejected under 35 U.S.C. § 112, second paragraph as lacking positive method steps and 35 U.S.C. § 35 U.S.C. § 101 as an improper process claim.

These rejections are believed to be overcome by Applicants' amendment. Former claims 11-13 are replaced with new claims 66 and 68 which have been rewritten as a method of identifying one or more agents that are capable of affecting the interaction of Cdc24p or a homologue thereof with a G β or an associated Rho-family GTPase and recite a positive method step of screening a library.

In view of Applicants' amendment, reconsideration and withdrawal of the above grounds of rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 11-16 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter that was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s) has possession of the claimed invention at the time that the application was filed.

Claims 11-16 are rejected under 35 U.S.C. § 112, first paragraph because the specification, while being enabling for screening SEQ I.D. Nos: 1 and 23, does not reasonably provide enablement for derivatives, variants, fragments and homologues of SEQ I.D. Nos: 1 and 23.

This ground of rejection is believed to be overcome by Applicants' amendments as discussed in the telephonic interview with Examiner Fredman on Jan. 21st. Applicants have deleted the language "derivative, fragment, variant" from the claims. Homologs are now limited to those which comprise nucleotide residues 508 to 735 of the *C. albicans* Cdc24 gene presented as SEQ I.D. No: 23 or sequences with 95% homology to SEQ I.D. NO: 1.

In view of Applicants' amendments, reconsideration and withdrawal of the above grounds of rejection under 35 U.S.C. § 112 is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 11-16 are rejected under 35 U.S.C. § 102(b) as anticipated by Zhao, et al.

This ground of rejection is believed to be overcome by Applicants' amendments. Zhao, et al. do not teach a homologue of SEQ I.D. No:1 which comprises nucleotide residues 508 to 735 of the *C. albicans* Cdc24 gene presented as SEQ I.D. No: 23 or a sequence which is at least 95% homologous to SEQ I.D. No: 1 as presently claimed.

In view of Applicants' amendments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 23, 2004

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